

REMARKS

The Examiner has required election in the above-identified application as follows:

- Species 1: first and second layer with a channel region;
- Species 2: first and second layer are formed together;
- Species 3: having a first, second and third group III nitride layers; and
- Species 4: having a first layer with a specified thickness.

Applicants provisionally elected, for search purposes only, the species: modified Species 3, having a first layer composed of a group III nitride layer and a second layer composed of a group III nitride layer and a gate electrode. Claims 1-2, 4-6, and 8-16 read on the elected species.

With respect to the elected species, Applicants respectfully submit that, should the elected species be found allowable, the Office should expand its search to the non-elected species.

Claims 3 and 7 are canceled.

Claims 15-16 are new.

Support for new Claim 15 is found in original Claim 3. Support for new Claim 16 is found at original Claim 7.

Upon entry of the amendment, Claims 1-2, 4-6, and 8-16 will be active.

No new matter is believed to have been added.

Applicants submit this application is now in condition for examination on the merits and early notification of such action is earnestly solicited.

Application Serial No.: 10/771,528
Reply to Election Requirement mailed October 5, 2005, and Amendment

Customer Number

22850

Tel: (703) 413-3000

Fax: (703) 413 -2220

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Norman F. Oblon

A handwritten signature in black ink, appearing to read 'Charles J. Andres', is written over a horizontal line.

Charles J. Andres, Ph.D.

Registration No. 57,537